

EAST PALESTINE CITY COUNCIL - REGULAR - MAY 14, 2012

Mayor Margo Zuch called the meeting to order. Present were Elzer, Figley, Rauch, Tyger and Wisser. Minutes of April 16 and April 23, 2012 were approved on a motion from Rauch seconded by Elzer. Carried. The monthly Police/Parking, Park, Income Tax, Fund Cash, Fire/Ambulance, Building/Zoning and Investment reports for April were approved after a discussion about the Ambulance billing being behind on receiving funds from Medicare. Rauch asked if they were still behind and Tyger stated they are but are starting to catch up and he also stated that Thompson has contacted Representative Johnson for assistance on the matter. Rauch asked if the Dept. was down approx \$102000 and Chief Todd and Thompson stated that it was closer to \$35000. Todd stated everything was in place to get the new application for Medicare/Medicaid billing and receiving program approved. Wisser also addressed the last page from the Fire Departments monthly report in reference to budget cuts made to the fire departments payroll budget in 2008 by the City Manager. Wisser stated that Chief Todd was under the impression it was only for the last quarter in 2008 but that it has been a permanent cut. Chief Todd stated he felt the FD had not been treated fairly by the previous administration and hopes that with the new administration coming he hopes that they would support the FD and get the back to where they need to be. Rauch made a motion to approve the April department monthly reports, seconded by Tyger. Motion carried.

AGENDA: Rev. Dr. Barry Walker was to speak on patriotism and national pride but called and said he was ill and would not be at the meeting.

NO CLERKS REPORT

MAYORS REPORT: Mayor Zuch stated it was a great weekend. Fri the 11th was the "Taste of East Palestine" sponsored by Threshold, which was very nice. Sat the 14th was the annual "Dog Days" with approximately 300 people coming out to volunteer and do projects around town. At this point Mayor Zuch read a letter out loud that she had received that day.

"...Effective today I tender my resignation on village council. I had planned to stay and help choose a new manager but after much thought I decided it would not be fair as I would not be there after he or she was chosen. For personal and physical reasons I believe it is the best course for me to take at this point in my life. I wish all of you the best with all decisions both now and in the future."

Signed: Raymond S. Hull (see exhibit A)

Mayor Zuch then stated that she wanted the reporter to put something in the paper that any persons interested should submit a letter to her or Interim Manager Thompson at the Municipal Building. She would like the letters by May 21 so there is time to get someone in place by the May 29 meeting. Elzer asked if all of council voted on this and Mayor Zuch stated that it had to be approved by a quorum of council. Mr. Figley then asked where Atty Smith was and Mayor Zuch stated that she had gotten called out of town on a case. Mr. Figley then asked if they were still having executive session without the Atty, and Mayor Zuch stated yes and that they did not have to have the Atty for executive session and stated that there were things that needed to be taken care of tonight.

MANAGERS REPORT: Thompson stated that Sunny Hull, Dick McElroy, Tim Weigle, John Hamner and Chris Barringer have been working on the old street sweeper and as of today it is operational and will be going out starting next week. Tim Weigle from Unity Twp has offered to take the new sweeper to their garage and do the adjustments and repairs and if after it is operational if they would be able to use it on a case-by-case basis in the township area. Rauch asked what was wrong with the new sweeper. Figley said the new part was installed but the secret to that machine is adjustments. Figley said he thinks Weigle will be good at doing the needed adjustments and all he asked was to be able to use it occasionally at Foxwood Chase. Figley made a motion to allow Weigle to take the sweeper and make the adjustments and allowing them use of the sweeper. Seconded by Elzer. All in favor, motion carried. Thompson stated we are accepting applications for the Summer Youth Employment Program through Columbiana County DJFS for park and street crew. Applications need to be turned into Job and Family services by May 18 thru June 1. The qualifications are low to moderate income and between the ages of 16-24 years old. And must be available to work June thru August and will not cost the Village anything. Elzer asked who selected the employees and Thompson stated we do the interview process and select them. She will be asking Jerry Coblentz and John Boley for assistance with the process. Mrs. Wisser asked about the park and if there is any way to get people there sooner to keep up with the mowing. Thompson stated as of April 1 Coblentz goes to the park but that there is a lot going on including getting the pool ready for the June 1 opening date. Wisser asked if there is anyone else that can mow and Thompson stated that the kids that get hired cant start until they are done with school. Wisser stated that there are a lot

of people from other communities at the park in April and May. Figley stated he is very dissatisfied with the way the park is managed. He doesn't know how to adjust the help or what should be done but the way things are handled are very unsatisfactory and could be straightened out with better management. Figley said for the most part of the previous week there were four people pressure washing the pool and one day they were gone for half a day to patch. Figley said he had asked Jerry Coblentz why the mowing wasn't getting done and if it took 4 guys to pressure wash the pool and Coblentz said yes because their arms get tired after 15 minutes and they have to switch out. Figley suggested 2 guys pressure wash and 2 guys mow and then said he wanted a mower and he and his nephew mowed. Figley says there is no weed whacking done at all. Figley said he contacted his nephew Tom Figley and asked what he charged to pressure wash and paint the pool when he did it previously. He said he charged \$1500. Thompson had a different amount. Figley said we should be able to afford to have the pool done so the park crew can concentrate on mowing. He also mentioned needing to hire someone part time to assist in mowing. Rauch asked how many days it took to wash and paint the pool. Figley said 5 days washing and 2 days painting. Figley stated it is a lack of help but also stated again that the park needs better management. There should be task sheets for employees of what needs done. He wants people on mowers all day. Figley stated he and some baseball coaches mow the field on top of the hill, and that the tball field has never been mowed. He asked Brock Jurjavcic from the water dept. to brush hog the field and then he mowed again afterwards to try to clean it up. Elzer stated if it cost \$1500 to have the pool done of 4 guys over a week to do it we should have it done. Rauch said a rough estimate of wages for the work was \$3800 as opposed to \$1500 to have it done. Thompson said we would look into it for next year. Figley stated that \$1500 did not include the cost of the pool paint. Elzer and Wisser also asked about the possibility of volunteers to mow or paint the pool. Figley said you would have to be careful with volunteers on the mowers because they are major pieces of equipment. Thompson stated she thought volunteers mowing would be ok as long as it was during the day and Rauch stated we would also have to check with the union first and Figley said that the union would be ok with it as he has spoken to the union stewards already. Wisser also mentioned opening the concession stand in April and May for additional income. Figley stated they always see the park income but never the expenses. Elzer said the Band has a small food stand during baseball games. Figley also stated there are problems with garbage cans being emptied. He said it should be done every morning and that he does it when he can. Figley also said if the garbage was emptied on Fridays it would be ok for the weekend. He wants a schedule made and followed for the park. Thompson stated the employees empty the cans in the large dumpster and Csi then picks it up. She also said that when the college kids start they do work a few hours on the weekends and empty the cans. Figley said the problem is all year long and Thompson stated it is a manpower issue. Figley said it's also a management issue. Barb Lynch then said she gets call for people who need community service hours and if they could help out and Figley said yes. Lynch also said that they would have to be supervised. Figley said he would help with supervision of community service people and volunteers. Wisser stated the garbage is an eyesore and that we have one of the best parks in Columbiana County. Figley asked if it was true that the Telischaks paid for one of the ball fields and that at one point they had to call him to mow the grass there, and Figley said he did. Figley said the playground on the hill hasn't been weed whacked for at least a couple years. Mayor Zuch asked if Figley was going to meet with Rauch about the park and Rauch said yes. Rauch also addressed Figley's issue with not being able to get in touch with him saying he was in meetings all week, and that he has a full time job and a family and all anyone has to do is email him and he will get back to them as soon as possible. Elzer asked about the park board and what they do. The Park Board is mainly to give ideas for the park and do fundraising. They purchase some things needed for the park and put in a lot of volunteer hours. Rauch said as long as the union is ok with it, there are a lot of people who would volunteer to help at the park. Elzer asked if the Morning Journal would put something in the paper that the park is looking for volunteers. Thompson stated she received an email from Col. Cnty Health Dept that the Attorney General's office is offering a grant program for demolitions and applications are due by 6/30/2012 and that we had taken part in the program a few years ago and got around \$ 5000 before and wanted to know if we would take part again. Thompson stated she would need assistance with the paperwork. Figley asked if the Village had any input on what gets done with the CDBG grant money and Thompson said no. It's done by application and income level. It is a 2 years program totaling \$500,000. Figley said Marshall Bleckan gets at least 20% to administer the grants and Thompson said yes. Elzer stated this is the last year for the CDBG that we lost eligibility when we lost City status. Thompson also said she received an email and contract for the state salt purchasing program for next year. We will get a price later in the year. Rauch said we still have approx 8 tons left from this year because it was an easy winter. For the program you have to put a specific tonnage that you are going to order and have to get at least 80% of that and we were short so we had to get what was left because we would be billed for it either way. Figley stated that the leftover salt needs pushed further into the building. Thompson then said she received a contract from First Energy Solutions to renew the electric contract at the Water/Wastewater plant. Current contract expires in May of this year. The new contract would extend until May 2015. Current price is 4.91 and it is

going to go up to 5.09 and 5.49 and as a high user, if this contract is accepted the price will go up dramatically. This is only for the Water/Wastewater Plant. Thompson asked if it was ok to sign and council said yes.

STREET COMMITTEE REPORT: Figley stated he has been measuring some streets and talking with contractors about how to deal with the existing shot and chipped streets and some of the paved streets. The shoot and chip program thru the County wont be done until the end of August which currently includes Garfield Ave, and Wood St but Figley would like to change and he will address this with the County engineer. The reason for the change is because Conner Dr is going to need done because Moore Lane will be tore up because of the water line project and Conner Dr. is going to be heavily traveled. Rauch asked how much shooting and chipping could be done and Figley said it would have been Wood, Garfield, Neely Manor, and Pinetree Circle. Figley said that over the next 3 years we should be able to get most of the town in excellent shape. Some will have to wait but it will get done. This will save a lot of money in patching and Figley said he would have a proposal for council at the next meeting. Figley said he is willing to listen to anyone and hear what they have to say. Rauch said we are making a good dent in the road problem and also said Main St. is fantastic.

SAFETY/PARK/REC COMMITTEE REPORT: Police Department got all new furnishings and actually made money by scrapping the old furniture. Everyone is doing an excellent job. They are trying to get a K-9 unit. Rauch says if this happens you will see the dealers take off. Chief Monteleone then said that the Policeman's Association had a meeting and agreed to fund the K-9 unit. This another tool to help clean up the Village. Rauch thanked EPYSA for putting in over \$60,000 into the little league fields on the hill and this shows how much the people in the Village really care. Big Dogs BBQ at 155 North Market has applied to renew their liquor license and he asked the Police Chief if there were any issues there, and asked if any members of council wanted a hearing. Rauch then directed the Clerk to mail in the appropriate paperwork and okayed the renewal. Mayor Zuch stated that the K-9 dog is not an attack dog; it is a drug sniffing and rescue dog.

DEVELOPMENT COMMITTEE REPORT: Elzer stated that this week there was a village wide boil order and that we need a better system to notify the residents, possible a telephone system. Mayor Zuch stated the school has a system that will notify parents of things and Mrs. Wisser said its called "remind101.com". Mrs. Wisser had information on that system. Mrs. Wisser said they are not set up for large volumes of people but they could support our village. John Jurjavcic spoke with Mr. Incheck about the system they use. Rauch asked if the 911 system could be used and Jurjavcic said no. That he notified the paper, the local news channels. It was not a life or death situation, it was a "boil advisory". He said it was blown way out of proportion. Jurjavcic stated if it was a disaster that the police and fire departments would go out and announce it over the vehicle system. Elzer then stated that there is a Crime Watch meeting this week at Beas Insurance to discuss putting cameras at the park. A company called CIRM is completing the purchase of Maxwell China on RT 14. In Nov they had 4 employees, today they hired their 25th person. And would like to have 70 people in the next year and would like water & sewer.

UTILITY COMMITTEE REPORT: Wisser stated they should discuss Brittain's and the water & sewer project. The resolution for tonight is for the ARC money that for the project. \$62,500. Thompson stated that she thought council decided to go with either option 1 or 4. There is cost to the Village with either option. Option 1 is to run the water & sewer across the field with an estimated engineers cost of \$19,000 after CDBG and ARC money, but this option would require a lift station with additional cost. Figley asked if we have the acquisition cost and Thompson said no. Figley said no one has the easement costs that he has asked for 3 months for someone to talk to the nursing home and Powers to get a cost and cant move forward until we have that. Elzer stated he was going to do that but there are other people doing that as well. Figley asked who and Elzer stated John Jurjavcic. Jurjavcic said he saw Mark Powers downtown and talked to him and said we need to know what numbers he was looking at for the easement so we can figure things out. He stated he knew they figured in with OMEGA at \$8600 and Jeanette said it was \$10,900 for both easements. Elzer said that Jurjavcic just told the whole meeting that those numbers were wrong and it was going to be more than that. Jurjavcic said yes. Elzer said then that he had conversations with them about it and Jurjavcic said he had not spoke to Dr. Slyk. Elzer said that Jurjavcic did talk to powers and it made no sense for him to try to talk to them if he was going to do it. Jurjavcic said he asked Powers to think about it and get back to them. Elzer said if council asked him to go talk to him that was fine but having 10 different people do it is stupid. Figley asked if Elzer was going to talk to him, why didn't he? And whose job it is to do so. Figley it normally is the engineers job. Thompson said we did not have a contract with the engineers so they would do anything more. Figley said he heard Dawson say he would assist anyone and Mayor Zuch said to call and ask him. Figley said its been going on for 3 months and someone needed to talk to Powers. At this point Mr. Tom Brittain spoke.

He said one reason there is no price is because no one has made a decision on how to run the lines. It was originally set up to come directly across behind the nursing home. They have been informed that Dr. Slyk has put an addition on top of the water line and now he is not agreeable anymore and have to go up Brookdale. He has been working with OMEGA to get this done for the City. Mr. Brittain said that since no one from the Village has spoke to Powers that he did, and he said that he cannot give a price when the Village doesn't know where they want to take the lines across his field. When it started it was going to be one distance and Gary had figured in between \$8000 and \$10,000. Figley asked who said that and Mr. Brittain said Mr. Powers said that and Figley said that no one told him that and Mr. Brittain said he didn't care what Figley was told. Mr. Brittain said everything has changed and that Council has to make a decision. He has no problem going up Market St. or Brookdale or making a circle all the way around. All he did was make the application to get the Village enough money to start sending things to Unity to help the Village and at this point we are where we were 4 months ago. If council makes a decision that will give Mr. Powers enough information to make a decision. If council decides to go Market St. he thinks its great and will serve more people and will be easier in the long run. Mr. Brittain says if the Village is ever going to grow it is going to have to make the loop up brookdale, across RT 14 and down Market Street. Figley says Powers knows exactly where the easement is slated for his property. The water line going to Unity stops before the nursing home at Brookdale and we don't own it no matter where we tie onto it. It goes back the nursing home property and if tie onto that then we take over the maintenance of that line forever. They put a building over one side of the line and are putting a building over the other. We have to go from Brookdale and across and get an easement off of Dr. Slyk and Mr. Powers, which is already laid out. The other options are unaffordable. If it truly was \$19,000 we would have to increase the water & sewer rates and Figley asked Thompson for confirmation of that. Brittain said the \$19,000 wouldn't have to be paid in one lump some that it could be amortized and Figley said it didn't matter. Thompson stated there are other projects in the works too, that she has the OWDA loan for Howell Ave. at \$25,000 to be paid back. The reservoir project and she had estimated \$25,000 to cover that loan and the price has risen and the Moore Lane replacement figures are still being finalized. Figley wants a commitment from Brittain's before a decision is made. Brittain wants a commitment from the Village on how the lines will be run. Brittain says he has done the work with OMEGA to get \$280,000 for the Village. Figley asked why he keeps saying he did it for the City and Brittain said he doesn't get any money from this. Brittain said he makes no money on the money coming in from OMEGA. Brittain wants to see the Village grow to the North for jobs and population. Brittain said Columbiana didn't have the money for development and Figley said Columbiana didn't pay anything for any of the development there. Figley said the individual business paid for themselves, no money for the city of Columbiana. Figley said Brittain should pay the \$19,000. Brittain said he doesn't know how much it is and said Figley keeps saying \$19,000 and Figley said Brittain has been using that figure for months and Brittain said that's because that is what was on the paper Gary Clark had and Figley said he has been disputing that figure. Thompson stated that is a rough estimate. Brittain said he was doing the city a favor and said for council to make a decision and he would decide if he was going thru with it. Brittain wants to work together with the village. Figley said the village couldn't afford any more projects like the nursing home. Brittain said it got the village 81 jobs. Figley then asked Thompson to explain what the 81 jobs do for the village. The village has loans for nursing home and tax abatement with the school and pay 50% of income tax that comes in back to the school. We are paying out approx \$20,000 in loans and receiving about \$13,000 in income tax and paying \$5000 to the school which means we are at a loss on that project and have to pay off the debt over 20 years. Elzer said he disagrees with Figley and thinks the project is a good idea. The more revenue we bring in the bigger the budget will be. Figley said Mr. Brittain thinks he is picking on him but he's not. Mr. Brittain wants to know what the rest of council has to say.

FINANCE COMMITTEE REPORT: Mr. Tyger stated we are still waiting on money from the ambulance billing.

COMMENTS ON LEGISLATION: Mr. Tyger stated that if Brittain's pays for the project he is for it. Mr. Rauch says it's a good thing and to do what it takes. Mrs. Wisser would like to see the project happen but doesn't think financially we can afford it. Mr. Elzer is for the project.

VISITORS: Dan Scott, Barb Lynch, Terri Rauch, Laura Beight, Rick Beight, Chuck McGuire, Brent Wilson, Shirley Wilson, Bill Wilson, Dianna Elzer, John Simon, John & Dot Herbert, John & Bonnie Davis, Dave Vargo, Tiffany Vargo, Shelley Vargo, Terry Keresty, Sgt. Kevin Dickey, Chief Monteleone, Sonny Coon, John Jurjavcic, Kim Sansenbaugher, Ben Terwilliger, Chief Todd.

LEGISLATION: Mayor Zuch introduced **Res. 8-2012** seconded by Rauch that it be read by title only. All in favor, motion carried. **.a resolution authorizing the interim village manager for the village of east Palestine to file an application to the Appalachian regional commission and**

declaring an emergency. Thompson stated this resolution is to allow us to apply for the \$62,500 ARC money. Due date for application is May 21, 2012. Elzer asked if this was a grant and Thompson said yes. Mayor Zuch asked if you apply and they give it to you that if you change your mind do you have to take it? Chief Monteleone stated that generally if you apply for a grant and they accept, you could change your mind. Mayor Zuch stated if this isn't done as an emergency the deadline will pass and we will lose the money either way but we can say no. Mayor Zuch made a motion to suspend the rules and declare this an emergency resolution seconded by Tyger. All in favor, motion carried. Mayor Zuch called for a vote on **Res. 8-2012**; all in favor with 5 yes to pass. Mayor Zuch introduced **Res. 9-2012** and made a motion that it be read by title only seconded by Rauch. All in favor, motion carried. ...**a resolution setting the compensation for interim village manager Traci Thompson for the village of east Palestine, ohio and declaring an emergency.** Mayor Zuch made a motion to suspend the rules and declare an emergency, seconded by Rauch. All in favor with 5 yes to pass. Mayor Zuch introduced **Ord. 7-2012** and made a motion that it be read by title only seconded by Rauch, all in favor, motion carried. ... **an ordinance for the authorization to borrow funds to facilitate the purchase of a 2012 sutphen pumper and declaring an emergency.** Thompson stated she had entered into a contract with the bank for the truck and got a loan for 2.39% for 2 years. Chief Todd applied for a no interest loan thru the State Fire Marshalls Office and got notification that we are eligible for that. This ordinance is needed to apply to the state for the no interest loan to pay off the other loan and pay it back at 0% instead. Mayor Zuch made a motion to suspend the rules and declare an emergency seconded by Tyger. All in favor, motion carried. Mayor Zuch called for a vote on **ord. 7-2012** seconded by Tyger. All in favor, with 5 yes to pass. Mayor Zuch introduced **Ord. 8-2012** and made a motion that it be ready by title only seconded by Tyger, all in favor, motion carried...**an ordinance authorizing the village of east Palestine to enter into a columbiana county, ohio, homicide task force mutual aid agreement, and declaring an emergency.** Mayor Zuch made a motion to suspend the rules and declare an emergency, seconded by Rauch. All in favor, motion carried. Mayor Zuch called for a vote on **Ord. 8-2012**; all in favor with 5 yes to pass. Mayor Zuch introduced **Ord. 9-2012** and made a motion that it be read by title only, seconded by Tyger...**an ordinance providing for the authorization of the interim municipal manager to enter into and accept a tentative contract with j.s. northeast company, inc., as to construction services as to the moore lane waterline improvement project and main street railroad bore and declaring an emergency.** Mr. Elzer asked why this is an emergency. Thompson the paperwork needed to be in to apply for funds. Mrs. Wisser asked why all the legislations are emergencies. Thompson stated the emergency clause is only to make the ordinance go into effect immediately and if it's not an emergency it would go into effect for 30 days. Mr. Rauch stated that you could take 3 readings with an emergency clause and on the 3 rd reading it would immediately go into effect. Thompson stated the deadline for this is June 1 so it has to be an emergency. Mayor Zuch made a motion to suspend the rules and declare an emergency, seconded by Rauch. All in favor, motion carried. Mayor Zuch called for a vote on **Ord. 9-2012**. All in favor, with 5 yes to pass. Mr. Tyger made a motion to go into executive session to discuss personnel and legal matters. Mayor Zuch said there would be no further business after executive session. Mr. Rauch seconded the motion. All in favor, motion carried.

ADJOURN: Mr. Rauch made a motion to come out of executive session seconded by Mr. Tyger, all in favor, motion carried. Mr. Tyger made a motion to adjourn seconded by Mr. Elzer. Motion carried, meeting adjourned.

ATTEST _____	SIGNED _____
MISTI J. MARTIN-CLERK	MARGO ZUCH- MAYOR